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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/223,016	12/30/1998	SCOTT L. MINNEMAN	100126	2341

7590 04/21/2006

OLIFF & BERRIDGE
P O BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/223,016

Applicant(s)

MINNEMAN ET AL.

Examiner

HUY T. NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,6-10,13,15-21 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,6-10,13,15-21 and 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>20060417</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07 February 2006 has been entered.

Claim Rejections - 35 USC § 103

2. Claims 1,4,6-10, 13,15-21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al (WO 92/22983) in view of Lang (4,96395).

Regarding claim 1, Browne (Fig. 1) that uses structured representations to index recordings of activity (audio /video information) comprising:

a recording system that records activity (Fig. 1, page 36, lines 23-30).

an indexing device (105) that adds recordings of activity to at least one index (title or name or date) (page 23, lines 5-18 page 32) as the activity is recorded , indexes recordings of activity (storing list of the program recordings (Fig. 6, page 24 lines 19-24) and plays recordings of activity based on a user input since the user can selecting any recordings activity portion to be replayed (page 33);

an object description file (stored program list , Fig. 6) that stores the at least one index; a user input device that selects at least one item of the at least one index based on a user input (page 33, lines 10-20) ; an association device that associates the selected at least one item with a recording of an activity; and a playback system for replaying a first indexed recording with simultaneous recording a second current indexed portion (page 33, lines 13-19, page 36, lines 23-30).

Browne fails to teaches an editing means for editing the recordings bases on a user input.

Lang teaches a recording and reproducing apparatus (Fig. 2) having means for simultaneously playing recorded video/audio and recording video/audio information and mean for editing the audio/video information based on the user input (column 2, lines 37-42, column 9, lines 1-55, column 6, lines 23- 48).

It would have been obvious to one of ordinary skill in the art to modify Browne with Lang by using incorporating editing means as taught by Lang in the apparatus of Browne thereby enhancing the capacity of the apparatus of Browne for viewing and editing the video/audio information .

Further for claim 1, Browne as modified with Lang

Method claim 10 corresponds to apparatus claim 1. Therefore, method claim 10 is rejected by the same reason as applied to apparatus claim 1.

Regarding claims 4 and 13, Browne as modified with Lang further an audio/video storage device that stores a recorded activity (See Browne , Fig. 1, page 36, lines 23-29).

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Regarding claims 6 and 15, Browne further teaches the playback system can replay a portion of the indexed recording in response to selecting an item from the at least one index (page 33) .

Regarding claims 7 and 16, Browne as modified with Lang further teaches an editing system that allows modifications to a recorded activity (See Lang column 6, lines 22-47).

Regarding claims 8 and 17, Browne further teaches a display device that displays at least one of the at least one index, the at least one item and the recording (Fig. 14, page 33).

Regarding claims 9 and 18, Browne further teaches the association device temporally associates the recording of an activity with the selected at least one item (title or name or date) (page 33, lines 20-30).

Regarding claim 19, Browne as modified with Lang further teaches that the recording of an activity is an audio recording (See Browne page 20, lines 28-32).

Regarding claim 20, Browne as modified with Lang further teaches the recording of an activity is a video recording (See Browne page 6, Lang column 6, lines 37-40).

Regarding claim 21, Browne as modified with Lang further teaches that the recording of an activity is a multi media recording (See Browne , page 6, audio, video information from a broadcast or camera or from other recording/ reproducing apparatus).

Regarding claim 23, Browne as modified with Lang further teaches that the at least one index is extracted from a document (video program) input to the system (See Browne page 24).

Regarding claim 24, Browne as modified with Lang further teaches inputting a document into the object description file prior to recording the activity; and extracting from the document the at least one index (See Browne , page 23).

Regarding claims 25 and 26, Browne as modified with Lang fails to specifically teach that the activity directed to the disassembly and subsequent reassembly of a device. However, it is noted that activity including disassembly and assembly is well known in the art . Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to capture the disassembly and reassembly of a device as a program and input the program to the apparatus of Browne as modified with Lang as an alternative of a program source or content of the activity .


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on (571) 272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

H.N


HUY NGUYEN
PRIMARY EXAMINER